

*Article 10*  
**PERFORMANCE EVALUATIONS**

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10.1 Purpose and Scope of Evaluation. The basic purpose of faculty evaluation is to recognize, reward, and improve faculty performance in the functions of teaching, research, service, and administrative and related duties that may be assigned.

10.2 Sources and Methods for Evaluation. Evaluations shall be based only upon assigned duties and shall carefully consider the nature of the assignments and quality of the performance. Evaluations shall be based upon the assignments of responsibility, as described in Article 9, and any dual compensation appointments, if applicable, for the period under evaluation, and shall take into account the proportions, duties and nature of the assignments.

(a) All evaluations shall be performed during the spring semester and shall take into account performance of assigned duties over a period consistent with approved department criteria and may include multiple years. For faculty members who have been employed at the University less than that period, the annual evaluation shall take into account their performance since the start of employment at the University.

(b) An evaluation may only be changed through the appeal process as outlined in the provisions of this article or through other provisions of the Agreement.

(c) The faculty of each department/unit shall develop and maintain specific written criteria and procedures by which to evaluate faculty members consistent with the criteria specified in this Article and subject to the approval of the unit’s dean. These criteria and procedures shall be the sole basis upon which faculty performance is measured.

(d) Development Process for Criteria and Procedures. If criteria and procedures for evaluating faculty performance are not on file, they shall be developed. If such criteria and procedures are already on file, the faculty of the department/unit shall review and revise them after ratification of this Agreement.

(1) The department/unit administrator shall discuss with the department/unit faculty members who are to participate in the development or revision process the existing criteria and procedures of the department/unit, the mission and goals of the department/unit and the University, the provisions of the BOT-UFF Collective Bargaining Agreement, and relevant state law. A copy of the BOT-UFF Collective Bargaining Agreement and the relevant portions of state law shall be provided to each department/unit at the outset of the process.

(2) These criteria and procedures, and any revisions thereof, shall be recommended by a secret ballot vote of a majority of the faculty members in the department/unit.

(e) These criteria and procedures shall  
(1) Be consistent with the criteria and procedures specified in this Article and with all the other provisions of this Agreement.  
(2) Satisfy all provisions of Article 23 with regard to department/unit criteria and evaluative procedures for the distribution of merit-based salary increases.  
(3) Be adaptable to various assigned duties, so that all faculty have an equal opportunity to earn favorable performance evaluations. The criteria must provide that the FTE allocated to each part of the faculty member’s annual assignment shall be used to weight the performance of each

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42 part for determination of the overall assessment of performance/merit.

43 (4) Take into consideration the department's mission and reasonable expectations for  
44 different classifications/ranks, experience, and stages of career.

45 (5) Provide for a peer review component in the annual evaluation.

46 (6) Specify a new effective date.

47 (7) Be detailed enough that any reasonable faculty member can understand what  
48 performance is required to earn each performance evaluation rating.

49 (8) Ensure that faculty members on approved leave are not penalized in the evaluation  
50 process.

51 (9) Legacy bylaws that use a five point scale for criteria for evaluations shall combine the  
52 top two rating categories ("Exceeds FSU's High Expectations" and "Substantially Exceeds FSU's  
53 High Expectations") to conform to the four point scale in this article.

54 (f) The criteria and procedures shall be periodically reviewed by the faculty for consistency,  
55 revised as appropriate, and subjected to a reaffirmation ballot whenever a change is made to this  
56 Article. Subsequent revisions may be initiated by a majority vote of at least a quorum of the faculty  
57 members subject to evaluation or upon the initiative of the department/unit administrator.

58 (g) Departments/units are encouraged to exchange and discuss drafts of their faculty evaluation  
59 criteria and procedures during the formulation and revision processes.

60 (h) Approval Process.

61 (1) The University President or representative shall review the proposed criteria and  
62 procedures or revisions thereof to ensure that they comply with the provisions of this Article. The  
63 President or representative shall notify the department/unit of his or her approval or non-approval  
64 within sixty (60) days of receipt, if practicable. However, final notification shall occur no later  
65 than ninety (90) days after receipt. In the case of a non-approval, the notification will provide a  
66 written statement of reasons.

67 (2) In the case of non-approval, the department/unit has ninety (90) days after notification  
68 to revise and resubmit the proposal, and the President or representative shall review it within sixty  
69 (60) days of receipt and notify the department of approval or non-approval, and in the case of non-  
70 approval, provide a written statement of reasons. In the event that the next version is also not  
71 approved, the criteria shall be forwarded to the Vice President for Faculty Development and  
72 Advancement who will resolve any discrepancies and the criteria and procedures shall be imposed.

73 (i) Approved or imposed faculty evaluation criteria and procedures, and revisions thereof, and  
74 any related recommendations shall be kept on file in the department/unit and college offices, in  
75 the Office of Faculty Development and Advancement, and posted on the department/unit and  
76 college/unit websites. Faculty members in each department/unit shall be provided a copy of that  
77 department's/unit's current faculty evaluation criteria and procedures at the start of the spring  
78 semester.

79 (j) No faculty member shall be evaluated according to new criteria and procedures prior to the  
80 President or representative's final approval of these criteria and procedures or until they are  
81 imposed by the Vice President for Faculty Development and Advancement.

82 (k) No evaluations shall require a forced or pre-specified distribution of ratings.

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83 10.3 Annual Evaluations. Annual performance evaluations shall be based upon the assignments  
 84 of responsibility, as described in Article 9, for the period under evaluation, and shall take into  
 85 account the proportions, duties and nature of the assignments. The faculty member's history of  
 86 annual evaluation summary forms, narratives, optional responses, and letters of progress towards  
 87 promotion shall be considered in recommendations and final decisions on promotions and  
 88 appointment and non-reappointment.

89 (a) Sources for Annual Evaluations. In preparing the annual evaluation, the person(s)  
 90 responsible for evaluating the faculty member may consider, in light of the department/unit's  
 91 faculty evaluation criteria, pertinent information from the following sources: immediate  
 92 supervisor, peers, students, faculty member/self, other University officials who have responsibility  
 93 for supervision of the faculty member, and individuals to whom the faculty member may be  
 94 responsible in the course of a service assignment, including public school officials when a faculty  
 95 member has a service assignment to the public schools.

96 (b) Teaching effectiveness. Includes effectiveness in presenting knowledge, information, and  
 97 ideas by means or methods such as lecture, discussion, assignment and recitation, demonstration,  
 98 laboratory exercise, practical experience, and direct consultation with students.

99 (1) The evaluation shall include consideration of effectiveness in imparting knowledge and  
 100 skills, and effectiveness in stimulating students' critical thinking and/or creative abilities, the  
 101 development or revision of curriculum and course structure, and adherence to accepted standards  
 102 of professional behavior in meeting responsibilities to students.

103 (2) The evaluation shall include consideration of class size format, preparation time,  
 104 whether the course is required or elective, availability of assistance, and other University teaching  
 105 duties, such as advising, counseling, supervision of interns, or duties described in a Position  
 106 Description, if any, of the position held by the faculty member.

107 (3) The teaching evaluation must take into account any relevant materials submitted by the  
 108 faculty member. Examples of such materials include class notes, syllabi, student exams and  
 109 assignments, supplementary material and peer evaluations of teaching. The teaching evaluation  
 110 may not be based primarily on student perceptions when additional information has been made  
 111 available to the evaluator.

112 (4) Observation/Visitation.

113 a. The faculty member, if assigned teaching duties, shall be notified at least two (2)  
 114 weeks in advance of the date, time, and place of any direct classroom observation or visitation  
 115 (including visitation or monitoring of a course website) made in connection with the faculty  
 116 member's annual evaluation. If the faculty member determines that this date is not appropriate,  
 117 because of the scheduled class activities, the faculty member and the person(s) responsible for  
 118 performing the observation or visitation will mutually agree upon an alternate date.

119 b. Upon request, a faculty member is entitled to an evaluation of teaching based on  
 120 direct observation or visitation by one or more peers.

121 c. Whenever a person conducts a classroom visit for the purpose of evaluation, a  
 122 report of his/her observations must be submitted to the faculty member within ten (10) working  
 123 days of the observation. Otherwise, nothing from the visit may be used in the evaluation process.

124 i. The report must suggest corrective actions for any shortcoming that is  
 125 identified.

126 ii. No corrective actions that impinge upon academic freedom may be suggested.

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127 d. A faculty member who challenges an observation report may choose a colleague to  
128 observe his or her class and submit a report. The colleague may be from the same department/unit,  
129 from a department/unit with a compatible discipline, a retired colleague, or a colleague in the  
130 discipline from another university. Such a report shall be given equal consideration with other  
131 reports of classroom visitation.

132 (c) Contribution to the discovery of new knowledge. Includes development of new educational  
133 techniques, and other forms of creative activity.

134 (1) Evidence of research and other creative activity shall include, but not be limited to,  
135 published books, chapters in books, articles in refereed and un-refereed professional journals,  
136 musical compositions, exhibits of paintings and sculpture, works of performance art, papers  
137 presented at meetings of professional societies, reviews, and research and creative activity that has  
138 not yet resulted in publication, display, or performance.

139 (2) The evaluation shall include consideration of the faculty member’s productivity,  
140 including the quality and quantity of the faculty member’s research and other creative programs  
141 and contributions during the period under evaluation. The evaluation of quality shall include  
142 consideration of recognitions by the academic or professional community.

143 (d) Service. Evaluation of service shall include consideration of contributions to:

144 (1) the orderly and effective functioning of the faculty member’s academic unit (program,  
145 department, school, college) and/or the total University, including participation in regular  
146 departmental or college meetings;

147 (2) the University community, including participation in the governance processes of the  
148 institution through significant service on University committees and councils, in UFF activities,  
149 and in Faculty Senate activities;

150 (3) the local, state, regional and national communities, and scholarly and professional  
151 associations, including participation in professional meetings, symposia, conferences, workshops,  
152 service on local, state, and national governmental boards, agencies and commissions; and service  
153 to public or private schools;

154 (4) other assigned University duties, such as academic administration, of the position held  
155 by the faculty member. Evaluations for department chairs should consider responsibilities of the  
156 chair such as departmental planning and goal setting, assignment of work responsibilities and  
157 resources, fiscal responsibilities, recruitment and hiring, mentoring, evaluation of faculty, handling  
158 of personnel issues involving faculty and staff, academic program responsibilities, implementation  
159 of University policy, and communication both within the department and with administrators  
160 regarding the department;

161 (5) such other responsibilities as may be appropriate to the assignment.

162 (e) These criteria may be elaborated, augmented, and refined by recommendation of the  
163 faculty of the department/unit, as provided in this Article.

164 (f) Methods for Annual Performance Evaluations

165 (1) Evaluator. The evaluator will normally be the administrator of the department/ unit in  
166 which the faculty member holds an appointment at the time the evaluation is performed. Faculty  
167 members holding concurrent appointments in more than one department/unit shall be evaluated by  
168 the administrators of each unit in which they hold an appointment. Faculty members earning or  
169 holding tenure in a unit in which they do not hold an appointment shall also be evaluated by the

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170 administrator of the unit in which they are earning or hold tenure.

171 a. Department/unit administrators who are faculty members shall be evaluated by  
172 their respective deans.

173 b. Each evaluator shall be familiar with the provisions of this Agreement, any  
174 applicable Florida Statutes and Board policies, and the department/unit criteria and procedures  
175 specified by this Article for the annual evaluation of the faculty.

176 (2) The performance of faculty members, other than those who have received notice of  
177 non-reappointment under Article 12 or are not entitled to receive notice of non-reappointment  
178 under Article 12, shall be evaluated. The evaluation shall be consistent with the criteria specified  
179 in Section 10.2.

180 (3) Evidence of Performance Report. The administrator responsible for the annual  
181 evaluation shall request each member of the faculty to submit to him or her, annually, a report of  
182 Evidence of Performance in teaching, research or creative activities, service, and other University  
183 duties where appropriate.

184 a. The Evidence of Performance report (EOP) shall be submitted after the end of each  
185 calendar year, and shall cover the preceding calendar year.

186 b. Each department/unit shall specify in detail the required format and minimal  
187 content of the EOP, pursuant to this section.

188 c. The EOP shall also include any interpretive comments or supporting data that the  
189 faculty member deems appropriate in evaluating his or her performance.

190 d. Any materials required for the EOP that depend on the University administration  
191 shall be provided to the faculty member no less than fourteen (14) days prior to the date upon  
192 which the Evidence of Performance report is due.

193 e. If a faculty member fails to submit an EOP report (after notification of such failure),  
194 this may result in an overall evaluation of "Does Not Meets ~~FSU's High~~ Expectations."

195 (4) Those persons responsible for supervising and evaluating shall endeavor to assist the  
196 person being evaluated in correcting any performance deficiencies reflected in the evaluation.

197 a. The supervisor may informally coach or counsel faculty with the goal of improving  
198 performance. Such advice is not disciplinary, nor may it be part of the evaluation file.

199 b. The supervisor may offer advice for improvement in the annual Progress towards  
200 Promotion letter and/or the annual Narrative Report.

201 c. The supervisor may create a structured improvement plan via a Performance  
202 Improvement Plan (PIP) as outlined in Section 10.5 (3).

203  
204 (5) The Annual Performance Evaluation shall provide for an assessment of performance  
205 for each faculty member using the following ratings:

206 a. ~~Substantially~~ Exceeds ~~FSU's High~~ Expectations

207 b. ~~Meets/Exceeds~~ ~~FSU's High~~ Expectations

208 ~~c. Meets FSU's High Expectations~~

209 ~~c~~d. Official Concern

210 ~~d~~e. Does Not Meet ~~FSU's High~~ Expectations

211 10.4 Merit Evaluations.

212 (a) The determination of meritorious performance for the distribution of funds allocated for  
213 merit-based salary increases pursuant to Article 23 shall be according to each department/unit's  
214 faculty evaluation criteria and procedures developed pursuant to this section, which must be

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215 consistent with the criteria for faculty evaluation specified elsewhere in this Article. All faculty  
 216 members will be reviewed for merit.

217 (b) These criteria and procedures may include any refinements of the methods for the  
 218 distribution of salary increase funds that are permitted by Article 23 and are based on a period of  
 219 time consistent with approved department criteria, which may include multiple years of  
 220 performance.

221 (c) Merit distribution criteria:

222 (1) Must define meritorious performance as “performance that meets or exceeds the  
 223 expectations for the position classification and department/unit.”

224 (2) May permit, but not mandate, a merit pay award for all members of the department/unit.

225 (3) Must establish distinctive levels of merit reflecting the differences in performance.

226 (d) Merit distribution plans are subject to the approval of the department chair (or in non-  
 227 departmentalized units, the dean). If the chair makes any changes to the merit distribution plan  
 228 proposed by a faculty evaluation committee, she/he shall report such changes to the faculty  
 229 evaluation committee, if there is such a body. The original merit distribution plan along with any  
 230 recommendations by the chair shall be submitted to the dean and the provost or designee. The dean  
 231 and the provost or designee provide final approval of merit distribution plans. Any changes at this  
 232 level to the merit distribution plan shall be reported to the chair by the dean's office, and the chair  
 233 will inform the faculty evaluation committee, if there is such a body.

#### 234 10.5 Annual Evaluation Reporting Procedures

235 (a) Evaluation Summary Form. The evaluator shall annually prepare the faculty member’s  
 236 written annual performance evaluation on the Annual Evaluation Summary Form provided in  
 237 Appendix “F.” The completed form and its attachments comprise the annual evaluation report.

238 (1) This Evaluation Summary Form and its attachments shall be distributed to the faculty  
 239 member no later than June 15.

240 (2) Faculty members holding joint appointments in other areas, departments or divisions  
 241 shall be evaluated concurrently using the same criteria and procedures as other faculty in the  
 242 department/unit. Each evaluator shall evaluate the faculty member only with respect to principal  
 243 duties within that department/unit. Such concurrent summaries shall be forwarded to the  
 244 administrator responsible for review of evaluations for the department/unit as specified in (c)  
 245 below.

246 (3) Faculty members eligible for promotion or for tenure (except for Assistant Professors  
 247 in the years in which they receive their Tenure Review Report, as outlined in Section 15.3 (e)(2))  
 248 shall be apprised annually in writing of progress towards promotion or tenure in order to provide  
 249 assistance and counseling in working toward that goal. This appraisal shall be included as a  
 250 separate section—Progress toward promotion or tenure may be included in the narrative  
 251 accompanying the annual evaluation as outlined in Article 10.5(a)(4).

252 (4) All faculty members, including those ineligible for promotion, shall receive a narrative  
 253 evaluation appended to the Evaluation Summary Form.

254 (5) The provision on the Annual Evaluation Summary Form under the heading  
 255 “TEACHING” for certification of Spoken English Competency shall be utilized only:

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256 a. to certify competency following completion of options for remediation specified  
257 following an “Official Concern” evaluation in this area given either in the previous annual  
258 evaluation or with an original appointment, or

259 b. to call into question a previous certification of competency.

260 (6) If “Official Concern” is noted in the Spoken English Competency category, options for  
261 remediation shall be in writing with a copy attached to the Annual Evaluation Summary Form.

262 (7) The evaluation report shall be signed and dated by the person performing the  
263 evaluation.

264 (b) Discussion. After completion of the Annual Evaluation Summary Form, the evaluator ~~shall~~  
265 ~~discuss~~shall discuss the Summary with the faculty member concerned.

266 (1) The faculty member may attach to the Summary any statement he or she desires.

267 (2) The persons responsible for supervising and evaluating shall endeavor to assist the  
268 person being evaluated in correcting any performance deficiencies reflected in the evaluation.

269 (3) ~~For non-tenured faculty members, I~~in the case of an evaluation rating of “Does Not  
270 Meet ~~FSU’s High~~Expectations,” the evaluator shall fully document the rating prior to discussion  
271 with the faculty member. ~~Non-tenured F~~faculty members whose overall performance ~~is rated~~  
272 ~~“Does Not Meet FSU’s High Expectations”~~in any given year ~~or whose performance in any single~~  
273 ~~domain (i.e. research, teaching or service) in three (3) or more of the previous six (6) evaluations~~  
274 ~~is rated below “Does Not Meets FSU’s High Expectations”,~~ may be placed on a Performance  
275 Improvement Plan (PIP). ~~A tenured faculty member whose overall performance in any~~  
276 ~~performance domain (i.e., research, teaching or service) is rated “Does Not Meet FSU’s High~~  
277 ~~Expectations” in three (3) or more of the previous six (6) evaluations may be placed on a PIP.~~ A  
278 PIP shall be developed in one or more areas of assigned duties. The PIP shall be developed by the  
279 faculty member’s supervisor in concert with the faculty member, and shall be written. It shall  
280 include specific performance goals and timetables to assist the faculty member in achieving at least  
281 a “Meets ~~FSU’s High~~Expectations” rating. Specific resources identified in an approved PIP, shall  
282 be provided by the department/unit. Examples of recommendations/resources include, but are not  
283 limited to: audit a course; participate in a webinar or webcast; work with or observe the work of  
284 an outstanding professor; etc. If the faculty member and the supervisor are unable to agree on the  
285 elements of the PIP, the dean shall make the final determination on the elements of the PIP. The  
286 PIP shall be approved by the President or representative and attached to the Annual Evaluation  
287 Summary Form. The supervisor shall meet periodically with the faculty member to review  
288 progress toward meeting the performance goals. It is the responsibility of the faculty member to  
289 successfully complete the PIP.

290 (4) After discussion is ~~completed and~~completed and attachments made, the faculty  
291 member will indicate that the evaluation has been reviewed by signing the Annual Evaluation  
292 Summary Form and indicating the number of pages attached to it. The required signature of the  
293 person being evaluated certifies that the required discussion of the rating has taken place. It does  
294 not imply that the person being evaluated has agreed with the rating. Those not agreeing should be  
295 referred to the procedure for appealing an Annual Evaluation Summary, in Section 10.7.

296 (5) A copy of the Annual Evaluation Summary Form and attachments shall be made  
297 available to the person being evaluated.

298 (c) Review. The Annual Evaluation Summary Form and attachments shall be reviewed by the  
299 appropriate administrative officer. The reviewer will normally be the dean of the college in which

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300 the faculty member holds the faculty position. When the dean of a college is the evaluator, the  
 301 Annual Evaluation Summary shall be reviewed by the Vice President for Faculty Development  
 302 and Advancement.

303 (1) Upon the completion of the discussion with the faculty member, the Annual Evaluation  
 304 Summary Form and attachments shall be forwarded to the appropriate reviewer.

305 (2) The reviewer shall sign the Annual Evaluation Summary Form and attachments if he  
 306 or she agrees with it.

307 (3) If the reviewer disagrees, he or she may discuss the area of disagreement with the  
 308 evaluator, at which time two courses of action are available to the reviewer: The reviewer may  
 309 submit his or her own Evaluation Summary Form and attachments or may revise the original.  
 310 When the reviewer prepares his or her own Faculty Evaluation Summary, the original Evaluation  
 311 Summary Form and attachments must be appended to the reviewer's summary.

312 10.6 Disposition of the Evaluation Summary Form and attachments.

313 (a) After the Evaluation Summary Form and attachments have been reviewed by the  
 314 appropriate reviewer, they shall be filed in the faculty member's official evaluation file. The  
 315 contents of the faculty evaluation file shall be confidential and shall not be disclosed except to the  
 316 faculty member evaluated and those whose duties require access.

317 (b) For faculty holding joint appointments copies of all evaluations shall be filed in the official  
 318 evaluation file.

319 (c) When the overall performance is rated "Does Not Meet ~~FSU's High~~ Expectations," a copy  
 320 of the Evaluation Summary Form and attachments must be forwarded to the Provost and Vice  
 321 President for Academic Affairs and the President of the University through the Vice President for  
 322 Faculty Development and Advancement.

323 10.7 Provision for Appeal

324 (a) If a faculty member is not satisfied with the Evaluation Summary prepared by the evaluator  
 325 (department chair or equivalent), including the determination of failure to successfully complete a  
 326 PIP, the faculty member may register his or her disagreement in writing and attach it to the  
 327 Evaluation Summary to be placed in the evaluation file.

328 (b) In addition, the faculty member may submit a written request for review of the evaluation  
 329 by appropriate higher level reviewer (dean or equivalent) within thirty (30) days after being  
 330 informed of the evaluation. The reviewer, like the evaluator, shall have complete freedom of  
 331 action, consistent with this Agreement, in seeking to settle or resolve differences concerning  
 332 evaluations and presumably his or her efforts will be largely conciliatory. The reviewer shall meet  
 333 with the faculty member to discuss the request within fifteen (15) days of receipt of the written  
 334 request for review. Within fifteen (15) days of receipt of the written request, the reviewer shall  
 335 reach a decision and report it to the faculty member.

336 (c) If the faculty member is not satisfied with the reviewer's decision, the faculty member may  
 337 request in writing a review from the ~~Provost and Vice President for Academic Affairs (or designee)~~  
 338 ~~Vice President for Faculty Development and Advancement~~ within fifteen (15) days after the  
 339 reviewer's decision. Within fifteen (15) days of receipt of the written request, the ~~Provost or~~  
 340 ~~designee Vice President for Faculty Development and Advancement shall meet with the faculty~~

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341 ~~member to discuss the request. Within fifteen (15) days of receipt of the written request, the Vice~~  
342 ~~President for Faculty Development and Advancement~~ shall reach a decision and report it to the  
343 faculty member.

344 ~~(d) An appeal of the decision of the Vice President for Faculty Development and Advancement~~  
345 ~~may be made to the Provost and Vice President for Academic Affairs. Such a request for review~~  
346 ~~shall be made in writing within fifteen (15) days after the Vice President for Faculty Development~~  
347 ~~and Advancement’ decision. Within fifteen (15) days of the receipt of the written request, the~~  
348 ~~Provost and Vice President for Academic Affairs shall reach a decision and report it to the faculty~~  
349 ~~member.~~

350 10.9 Proficiency in Spoken English. No faculty member shall be evaluated as deficient in oral  
351 English language skills unless proved deficient in accordance with the appropriate procedures and  
352 examinations for testing such deficiency.

353 (a) Faculty members involved in classroom instruction, other than in courses conducted  
354 primarily in a foreign language or courses not requiring facility in spoken English, who are found  
355 by their supervisor, as part of the annual evaluation, to be potentially deficient in English oral  
356 language skills, shall be tested in accordance with appropriate procedures and examinations  
357 established herein for testing such skills. No reference to an alleged deficiency shall appear in the  
358 annual evaluation or in the personnel file of a faculty member who achieves a satisfactory  
359 examination score determining proficiency in oral English as specified in the rule (currently “50”  
360 or above on the Test of Spoken English).

361 (b) Faculty members who score at a specified level on an examination established herein for  
362 testing oral English language skills (“45” on the Test of Spoken English), may continue to be  
363 involved in classroom instruction up to one (1) semester while enrolled in appropriate English  
364 language instruction, as described in paragraph (d) below, provided the appropriate administrator  
365 determines that the quality of instruction will not suffer. Only such faculty members who  
366 demonstrate, on the basis of examinations established by statute and rule, that they are no longer  
367 deficient in oral English language skills may be involved in classroom instruction beyond one (1)  
368 semester.

369 (c) Faculty members who score below a minimum score on an examination established herein  
370 for determining proficiency in oral English (currently “45” on the Test of Spoken English) shall  
371 be assigned appropriate non-classroom duties for the period of oral English language instruction  
372 provided by the Board under paragraph (d) below, unless during the period of instruction the  
373 faculty member is found, on the basis of an examination specified above, to be no longer deficient  
374 in oral English language skills. In that instance, the faculty member will again be eligible for  
375 assignment to classroom instructional duties and shall not be disadvantaged by the fact of having  
376 been determined to be deficient in oral English language skills.

377 (d) It is the responsibility of each faculty member who is found, as part of the annual  
378 evaluation, to be deficient in oral English language skills by virtue of scoring below the satisfactory  
379 score on an examination established herein to take appropriate actions to correct these deficiencies.  
380 To assist the faculty member in this endeavor, the Board shall provide appropriate oral English  
381 language instruction without cost to such faculty members for a period consistent with their length  
382 of appointment and not to exceed two (2) consecutive semesters. The time the faculty member

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383 spends in such instruction shall not be considered part of the individual assignment or time worked,  
 384 nor shall the faculty member be disadvantaged by the fact of participation in such instruction.

385 (e) If the Board determines, as part of the annual evaluation, that one (1) or more  
 386 administrations of a test to determine proficiency in oral English language skills is necessary, in  
 387 accordance with this section, the Board shall pay the expenses for up to two (2) administrations of  
 388 the test. The faculty member shall pay for additional testing that may be necessary.

389  
 390 10.10 Post-Tenure Review

391  
 392 (a) Faculty members in the ranks of Associate Professor, Professor, Eminent Scholar, who  
 393 have at least five (5) years of continuous University Service after their promotion to top two ranks  
 394 or after their previous Post-Tenure Review shall receive a Post-Tenure Review rating.

395 (b) Faculty who have been rated "Official Concern" or "Does Not Meet Expectations" in three  
 396 or more of the previous five (5) years' or two (2) of the previous three (3) years' annual overall  
 397 performance evaluation in accordance with Article 10.3 shall be given a Post-Tenure Review  
 398 Rating of "Does Not Meet Expectations".

399 (c) All other faculty members completing Post-Tenure Review shall be rated as "Meets  
 400 Expectations".

401 (d) Faculty with a Post-Tenure Review Rating of "Does Not Meet Expectations" shall receive  
 402 a PIP as outlined in Articles 10.5 and 8.6(d)(1).

403  
 404 (e) Faculty with a Post-Tenure Review Rating of "Meets Expectations" shall receive a raise as  
 405 outlined in Article 23.4(b)(1).

406 Selection of Faculty Members for Post-Tenure Review

407  
 408 (1). All tenured faculty members will receive a sustained performance evaluation Post-Tenure  
 409 Review every five years following the effective date of their tenure and, for those hired with tenure  
 410 on appointment, five years after their date of hire. Tenured faculty at the rank of Full Professor  
 411 will be reviewed every five years from the effective date of their promotion.

412  
 413 —In addition to inclusion of tenured faculty in their 5th year following the award of tenure  
 414 or their promotion to Full Professor, each Spring Semester in 2025, 2026, 2027 and 2028  
 415 approximately 250% of the tenured faculty of the University who were tenured prior to  
 416 2019 and who have not yet been subject to Post-Tenure Review will be randomly selected  
 417 from the pool of all remaining eligible faculty members to reach 2550% subject to college  
 418 proportionality.

419 —Beginning in Spring Semester 2029, each tenured faculty member will be subject to Post-  
 420 Tenure Review in the fifth year following their tenure award, last promotion, hire date (if  
 421 hired with tenure) or last Post-Tenure Review.

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422 ~~— Postponement of Post Tenure Review~~

423 ~~— Reviews may be postponed, upon approval by the provost or designee, for extenuating~~  
 424 ~~circumstances, including but not limited to being on approved extended leave (e.g., FMLA,~~  
 425 ~~parental leave, or leave of absence), being on a sabbatical, or having served in an~~  
 426 ~~Administrative Role during the Review Period).~~

427 ~~— To request a year long postponement, faculty members must submit a Postponement~~  
 428 ~~Request Form by the specified deadline. All requests shall be reviewed by the Provost or~~  
 429 ~~designee. The same standards for granting postponement requests shall apply to all faculty~~  
 430 ~~members.~~

431 ~~(c) Methods for Post Tenure Reviews~~

432 ~~(1) Faculty Members shall prepare and submit the following materials to the department~~  
 433 ~~chair/school director (or to the dean, for colleges without departments or schools) using the~~  
 434 ~~university's report form that includes, for the 5 year review period:~~

435 ~~a. Curriculum Vita~~

436 ~~b. Assignments of Responsibility~~

437 ~~c. Student evaluations of teaching along with other evidence of teaching excellence~~

438 ~~d. Additional information highlighting the faculty member's accomplishments~~

439 ~~(2) Department chairs/school directors shall prepare and submit to deans a report for each~~  
 440 ~~faculty member, including the following:~~

441 ~~a. Annual Evaluations for the Review Period.~~

442 ~~b. Any substantiated findings of any investigation of noncompliance with university policies,~~  
 443 ~~or applicable laws or regulations within the scope of their university employment during the~~  
 444 ~~review period and that resulted in disciplinary action due to misconduct or incompetence. This~~  
 445 ~~information will be provided by the Office of Faculty Development and Advancement.~~

446 ~~c. A letter assessing their performance for the Review Period that includes input from a faculty~~  
 447 ~~committee.~~

448 ~~d. Faculty members may review their Materials, including additions by their chair/director and~~  
 449 ~~shall have up to five days to provide a response.~~

450 ~~(3) Deans shall submit to the provost a report for each faculty member under review that~~  
 451 ~~includes the following information:~~

452 ~~— a. A letter assessing the performance of each faculty member (which may include input~~  
 453 ~~from a college committee, if requested by the dean).~~

454 ~~— b. A rating of each faculty member using the university's Performance Rating Scale for~~  
 455 ~~Post Tenure Review.~~

456 ~~c. Faculty members may review their Materials, including additions by their dean, and shall~~  
 457 ~~have up to five days to provide a response.~~

458 ~~— (4) The provost shall review supplemented Materials received from deans and assign to each~~  
 459 ~~faculty member a rating using the Performance Rating Scale for Post Tenure Review (in~~  
 460 ~~consultation with the president, and if requested by the provost, with input from a University~~  
 461 ~~of the Arts.~~

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466 ~~advisory committee). The provost shall notify all faculty members under review of their ratings~~  
467 ~~and outcomes.~~

468  
469 ~~— Performance Rating Scale for Post Tenure Review:~~

470  
471 ~~— Exceeds Expectations: a clear and significant level of accomplishment beyond the average~~  
472 ~~performance of faculty across the faculty member’s discipline and unit. Evidence of~~  
473 ~~awards, honors, and other criteria identified by academic units as meritorious performance~~  
474 ~~is expected for assigning this rating.~~

475  
476 ~~— Meets Expectations: expected high level of performance in assigned responsibilities, as~~  
477 ~~compared to faculty across the faculty member’s discipline and unit.~~

478  
479 ~~— Does Not Meet Expectations: performance falls below the normal range of annual variation~~  
480 ~~in performance compared to faculty across the faculty member’s discipline and unit but is~~  
481 ~~capable of improvement.~~

482  
483 ~~— Unsatisfactory: failure to meet expectations that reflect disregard or failure to follow~~  
484 ~~previous advice or other efforts to provide correction or assistance, that results performance~~  
485 ~~that involves incompetence or misconduct, as defined by applicable university regulation~~  
486 ~~and policies. Evidence of prior feedback of performance problems with an opportunity to~~  
487 ~~remediate performance problems is expected for assigning this rating.~~

488  
489 ~~(e) Outcomes from Post Tenure Review~~

490 ~~(1) Faculty members with ratings of “Exceeds Expectations” or “Meets Expectations” will receive~~  
491 ~~a monetary reward that may consist of a salary increase, one-time bonus, or both.~~

492  
493 ~~(2) Faculty members who receive a rating of “Does Not Meet Expectations” shall be placed on a~~  
494 ~~Performance Improvement Plan (PIP). The faculty member shall have a period of 12 months to~~  
495 ~~achieve the requirements of the PIP. If any faculty member placed on a PIP does not meet the~~  
496 ~~requirements of the PIP by the stated deadline, the provost shall propose termination of~~  
497 ~~employment of such faculty member, pursuant to applicable University processes.~~

498  
499 ~~(3) For any faculty member who receives a rating of “Unsatisfactory,” the provost shall propose~~  
500 ~~termination of such faculty member, pursuant to applicable University processes.~~

501  
502  
503 10.11010 Employee Assistance Programs. Neither the fact of a faculty member’s  
504 participation in an employee assistance program nor information generated by participation in the  
505 program shall be used as evidence of a performance deficiency within the evaluation process  
506 described in this Article, except for information relating to a faculty member’s failure to participate  
507 in an employee assistance program consistent with the terms to which the faculty member and the  
508 Board have agreed.  
509

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